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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/644,422

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Brian J. Wasserman

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EXAMINER

LEMIEUX, JESSICA

ART UNIT

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4172

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/644,422	Applicant(s) WASSERMAN ET AL.	
	Examiner JESSICA L. LEMIEUX	Art Unit 4172	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 August 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-45 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-45 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>11/3/2003</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1-4, 6-8, 12, 16-19, 21-23, 27, 31-34, 36-38 and 42 are rejected under 35 U.S. C. 103(a) as being unpatentable over US Patent Number 7,082,411 to Johnson et al (hereinafter Johnson) in view of US Patent Application Number US2004/0039688 to Sulkowski et al (hereinafter Sulkowski).

As per claims 1, 16 and 31

Johnson discloses selecting accounts, amounts and rates (asset data) from a database through a selector function, wherein the selector function uses selection criteria specified by rules to select the accounts, amounts and rates from the database (column 4, lines 10-19) and performing one or more Net Present Value (NPV) (column 9, lines 3-26) and Future Value (FV) (C₁, expected payoff) calculations on the selected accounts using the selected amounts and rates (column 9, lines 3-26 & 58-60),

Johnson does not specifically teach results from the NPV and FV calculations are integrated to provide a Life-Time Value (LTV) of one or more customers.

Sulkowski teaches results from the NPV and FV calculations are integrated to provide a Life-Time Value (LTV) of one or more customers (paragraph [0009-0010]).

Therefore it would have been obvious to one skilled in the art at the time the invention was made that results from the NPV and FV calculations are integrated to provide a Life-Time Value (LTV) of one or more customers as taught by Sulkowski to accurately evaluate future profitability of assets by taking into account present and future values.

As per claims 2, 17 and 32

Johnson discloses the NPV is a net present profitability value (column 9, lines 1-2).

As per claims 3, 18 and 33

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Johnson discloses the FV (C_1) is a possible future profitability value (expected payoff) (column 9, lines 3-10).

As per claims 4, 19 and 34

Johnson discloses the selected accounts contain current profitability values of accounts for the customers (current appraisal amount) (column 18, lines 8-20). Examiner notes that C_0 is the investment at time 0 and therefore it would have been obvious to one skilled in the art at the time the invention was made that a current profitability value would be the value at the present time, time 0.

As per claims 6, 21 and 36

Johnson discloses the rates comprise attrition rates (discount factor) (column 9, lines 3-11).

Examiner notes that applicant's specification conceptually defines attrition rates as "the rate at which a cash flow will be decreased" (page 8, lines 25-26). Johnson teaches a discount factor. One skilled in the art at the time the invention was made would understand that a discount factor is a rate used to discount or decrease future cash flow.

As per claims 7, 22 and 37

Johnson discloses the rates comprise propensity rates (risk) (column 9, lines 20-22 & column 16, lines 49-51).

As per claims 8, 23 and 38

Johnson discloses the NPV and FV calculations are based on the rules (column 4, lines 10-19 & column 9, lines 3-26 & 58-60).

As per claims 12, 27 and 42

Johnson discloses the selector function generates statements (criteria... for use in valuating other asset data) that are executed by a database management system to perform the selection of the accounts, amounts and rates (column 4, lines 10-19).

2. Claims 5, 20 and 35 are rejected under 35 U.S. C. 103(a) as being unpatentable over US Patent Number 7,082,411 to Johnson et al (hereinafter Johnson) in view of US Patent Application Number US2004/0039688 to Sulkowski et al (hereinafter Sulkowski) further in view of US Patent Number 5,852,811 to Atkins (hereinafter Atkins).

As per claims 5, 20 and 35

Johnson does not specifically teach the amounts comprise forecast amounts. Atkins discloses the amounts comprise forecast amounts.

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Therefore it would have been obvious to one skilled in the art at the time the invention was made that the amounts comprise forecast amounts as taught by Atkins as a type of selected amount found in a database to select in order to determine values and rates regarding the asset utilizing the time value money equations.

3. Claims 13, 28 and 43 are rejected under 35 U.S. C. 103(a) as being unpatentable over US Patent Number 7,082,411 to Johnson et al (hereinafter Johnson) in view of US Patent Application Number US2004/0039688 to Sulkowski et al (hereinafter Sulkowski) further in view of US Patent Number 6,405,189 to Gillis (hereinafter Gillis).

As per claims 13, 28 and 43

Johnson does not specifically teach the statements are generated from one or more object-oriented parameterized templates.

Gillis teaches the statements are generated from one or more object-oriented parameterized templates (abstract & column 2, lines 6-22).

Therefore it would have been obvious to one skilled in the art at the time the invention was made that the statements are generated from one or more object-oriented parameterized templates as taught by Gillis to ensure a consistent process pertaining to each particular asset with respect to the selection of information.

4. Claims 15, 30 and 45 are rejected under 35 U.S. C. 103(a) as being unpatentable over US Patent Number 7,082,411 to Johnson et al (hereinafter Johnson) in view of US Patent Application Number US2004/0039688 to Sulkowski et al (hereinafter Sulkowski) in view of US Patent Number 6,405,189 to Gillis (hereinafter Gillis) further in view of US Patent Number 6,625,624 to Chen et al. (hereinafter Chen).

As per claims 15, 30 and 45

Johnson does not specifically teach the statements include one or more macros.

Gillis teaches the statements include plain text (column 2, lines 14-16). Gillis however does not specifically teach one or more macros.

Chen teaches plain text contains macro (column 5, lines 49-50).

Therefore it would have been obvious to one skilled in the art at the time the invention was made that the statement include one or more macros as taught by Gillis and Chen to enable the statements to be executable.

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5. Claims 9, 11, 14, 24, 26, 29, 39, 41 and 44 are rejected under 35 U.S. C. 103(a) as being unpatentable over US Patent Number 7,082,411 to Johnson et al (hereinafter Johnson) in view of US Patent Application Number US2004/0039688 to Sulkowski et al (hereinafter Sulkowski) in view of US Patent Number 5,551,027 to Choy et al (hereinafter Choy).

As per claims 9, 24 and 39

Johnson does not specifically teach the selector function groups the selection criteria, so that the grouped selection criteria are processed in parallel.

Choy teaches the selector function groups the selection criteria, so that the grouped selection criteria are processed in parallel (column 7, lines 12-34 & column 25, lines 24-54).

Therefore it would have been obvious to one skilled in the art at the time the invention was made that the selector function groups the selection criteria, so that the grouped selection criteria are processed in parallel as taught by Choy in order to process similar selections together concurrently so that fewer passes need to be made through the tables in the relational database.

As per claims 11, 26 and 41

Johnson does not specifically teach the grouped selection criteria comprise similar selection criteria.

Choy teaches the grouped selection criteria comprise similar selection criteria (column 2, lines 26-29 & 36-43).

Therefore it would have been obvious to one skilled in the art at the time the invention was made that teach the grouped selection criteria comprise similar selection criteria as taught by Choy to improve efficiency in selecting the same criteria.

As per claims 14, 29 and 44

Johnson does not specifically teach the statements are optimized so that the statements are executed in parallel by the database management system.

Choy teaches the statements are optimized so that the statements are executed in parallel by the database management system (column 7, lines 12-34 & column 25, lines 24-54).

Therefore it would have been obvious to one skilled in the art at the time the invention was made that the statements are optimized so that the statements are executed in parallel by the database management system as taught by Choy in order to process similar selections together concurrently so that fewer passes need to be made through the tables in the relational database.

6. Claims 10, 25 and 40 are rejected under 35 U.S. C. 103(a) as being unpatentable over US Patent Number 7,082,411 to Johnson et al (hereinafter Johnson) in view of US Patent Application Number US2004/0039688 to Sulkowski et al (hereinafter Sulkowski) in view of US Patent Number 5,551,027 to Choy et al (hereinafter Choy) and further in view of US Patent Application Number US2003/0147552 to Foran et al (hereinafter Foran).

As per claims 10, 25 and 40

Johnson does not specifically teach the grouped selection criteria are processed independently.

Foran teaches the grouped selection criteria are processed independently (paragraph [0045], lines 8-14).

Therefore it would have been obvious to one skilled in the art at the time the invention was made that the grouped selection criteria are processed independently as disclosed by Foran to ensure that each selection is processed correctly without chancing mixing up selections which would skew results.

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to JESSICA L. LEMIEUX whose telephone number is (571)270-3445. The examiner can normally be reached on Monday-Thursday 8AM-5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tom Dixon can be reached on 571-272-6803. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/THOMAS A DIXON/
Supervisory Patent Examiner, Art Unit 4172

Jessica L Lemieux
Examiner
Art Unit 4172

January 2008